

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY KING, et.al.,
Plaintiffs,

v.

Case No. 20-cv-13134
Hon. Linda V. Parker

GRETCHEN WHITMER, in her official capacity
as Governor of the State of Michigan, *et.al.*,
Defendants,

and

ROBERT DAVIS,
Proposed Intervenor Defendant.

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**PROPOSED INTERVENOR DEFENDANT ROBERT DAVIS'
MOTION TO EXPEDITE BRIEFING, SCHEDULING AND
ADJUDICATION OF PROPOSED INTERVENOR DEFENDANT**

ROBERT DAVIS' EMERGENCY MOTION TO INTERVENE (ECF NO. 12).

NOW COMES, PROPOSED INTERVENOR DEFENDANT ROBERT DAVIS, by and through his attorney, ANDREW A. PATERSON, and for his Motion to expedite the briefing, scheduling and adjudication of Proposed Intervenor Defendant Robert Davis' Emergency Motion to Intervene (ECF No. 12), states the following:

Proposed Intervenor Defendant Robert Davis respectfully asks this Court to expedite the briefing, scheduling and adjudication of Proposed Intervenor Defendant Robert Davis' Emergency Motion to Intervene (ECF No. 12). **Expedited scheduling and briefing is necessary because Plaintiffs have filed a motion for temporary restraining order (ECF No. 7) in which Proposed Intervenor Defendant Robert Davis desires to file a formal response in opposition to as a party defendant. Additionally, Proposed Intervenor Defendant Robert Davis desires to immediately file a Rule 12(b)(6) motion to dismiss Plaintiffs' frivolous claims.**

Proposed Intervenor Defendant Robert Davis acknowledges that, in the ordinary course of events, the Eastern District of Michigan's

Local Court Rules, allow 14 days for a response to a nondispositive motion and another 7 days for the filing of a reply. While that schedule is appropriate for almost all matters, here Proposed Intervenor Defendant Robert Davis is confronted with a serious risk of severe harm simply from the pendency of this litigation and due to Plaintiffs' pending motion for temporary restraining order (ECF No. 7), which Proposed Intervenor Defendant Robert Davis desires to file a formal response in opposition to.

Thankfully, the Local Rules for the Eastern District of Michigan anticipate exceptions. Local Rule 1.2 explains:

For good cause shown, for a particular matter, any Judge of this Court may temporarily suspend the operation of the Rules.

More specifically related to the case at bar, a comment to Local Rule 7.1(e), advises as follows: "The court retains the inherent authority to alter the briefing schedule." This guidance is a logical extension of the basic principle that the court is always empowered to manage its docket. "With good reason, district courts ordinarily enjoy broad discretion in matters of pretrial management, scheduling, and docket control." *Kimble v Hoso*, 439 F.3d 331, 2226 (6th Cir. 2006).

Here, as noted, Proposed Intervenor Defendant Robert Davis is confronted with the precise reason the exception exists considering this matter pertains to an election-related issue that requires immediate adjudication by this Honorable Court. Accordingly, Proposed Intervenor Defendant Robert Davis proposes the following briefing and hearing schedule for his pending Emergency Motion to Intervene (ECF No. 12):

- Plaintiffs and Defendants' Responses due Wednesday, December 2, 2020 by 2 p.m.
- Proposed Intervenor Defendant Robert Davis' Reply due, Thursday, December 3, 2020 by Noon.
- **No hearing is required.** The Court can render a decision on the briefs and without argument on or before Friday, December 4, 2020.

Proposed Intervenor Defendant Robert Davis realizes that the relief sought is extraordinary, but these unusual circumstances warrant this special consideration. Accordingly, Proposed Intervenor Defendant Robert Davis would like to thank this Honorable Court for the opportunity to brief this important issue.

Dated: December 1, 2020

Respectfully submitted,

/s/ ANDREW A. PATERSON
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CERTIFICATE OF SERVICE

I, ANDREW A. PATERSON, certify that forgoing document(s) was filed and served via the Court's electronic case filing and noticing system (ECF) this 1st day of December, 2020, which will automatically send notification of such filing to all attorneys and parties of record registered electronically.

Dated: December 1, 2020

Respectfully submitted,

/s/ ANDREW A. PATERSON
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